

WEDNESDAY, JANUARY 12, 1994

FIFTIETH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Father Joseph Breen, St. Edwards Catholic Church, Nashville, Tennessee.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 93

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Allen; due to business in district.

Representative Jackson; due to illness.

PRESENT IN CHAMBER

Representative(s) Bragg and L. Turner (Shelby) was/were recorded as being present in the Chamber.

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**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 1710 -- County Officers --** Allows Lincoln County to provide compensation to board of public utilities upon 2/3 vote of county legislative body. Amends TCA 5-16-103. by \*Phillips, \*Fowlkes.

**\*House Bill No. 1711 -- TennCare --** Makes person with pre-existing medical condition automatically eligible for TennCare if company through which such person had been insured files for bankruptcy. Amends TCA, Title 71. by \*Phillips.

**\*House Bill No. 1712 -- Taxes, Gasoline, Petroleum Products --** Allows commissioner of revenue to enter reciprocal agreements regarding temporary fuel permits for transportation of antique vehicles and antique farm equipment. Amends TCA 67-3-711. by \*Phillips.

**House Bill No. 1713 -- Highway Signs --** "J.B. Howe Parkway," U.S. Highway 11-W Bypass, Rogersville. by \*Givens.

**House Bill No. 1714 -- Highway Signs --** "State Highway 22 Business," segment of SR 431, Martin. by \*Herron, \*Pinion.

**House Bill No. 1715 -- Jefferson County --** Enacts hotel/motel tax. by \*Huskey, \*Davis Ronnie.

**\*House Bill No. 1716 -- Municipal Government --** Allows municipalities to change terms of members of board of mayor and aldermen from staggered two year term to non-staggered two year term. Same as \*SB 1691. Amends TCA 6-3-102. by \*Huskey.

**\*House Bill No. 1717 -- DUI/DWI Offenses --** Allows judge to order ignition interlock device on car used to commit DUI during time of operator's driver license suspension if he has prior conviction for driving on suspended license or if license was suspended at time of DUI. Amends TCA 55-10-412. by \*Herron, \*Johnson.

**\*House Bill No. 1718 -- Motor Vehicles --** Includes forfeiture of motor vehicle as penalty for criminal littering. Amends TCA, Title 39, Ch. 14, Pt. 5. by \*Givens.

**\*House Bill No. 1719 -- Telecommunications --** Establishes requirements and qualifications for public safety dispatchers who receive requests for, or dispatch, emergency aid resources. Amends TCA, Title 7, Ch. 86, Pt. 1. by \*Callicott.

**\*House Bill No. 1720 -- Medical Occupations --** Requires all persons receiving and dispatching calls for emergency medical services who give pre-arrival medical care instructions to be certified as emergency medical dispatchers. Amends TCA, Title 68,

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Ch. 140, Pts. 2, 5. by \*Callicott.

**House Bill No. 1721** -- Williamson County -- Enacts hotel/motel tax. by \*Callicott, \*McKee.

**House Bill No. 1722** -- Industrial Hygienists -- Adds definition for "professional industrial hygienist"; establishes civil penalty for violation; requires practice of industrial hygiene to be done by professional industrial hygienist. Amends TCA, Title 62, Ch. 40. by \*Peroulas Draper.

**\*House Bill No. 1723** -- Taxes, Sales -- Exempts from sales and use tax sale of United States and state flags sold by non-profit organization. Amends TCA 67-6-329. by \*Joyce.

**\*House Bill No. 1724** -- Criminal Procedure -- Creates classification of "violent career" offender based upon being convicted three or more times of certain specified felonies; requires violent career offender to receive sentence of life without possibility of parole. Amends TCA, Title 40, Ch. 35. by \*Thompson, \*Jones R, \*Haley, \*Liles, \*Jones U.

**House Bill No. 1725** -- Decatur County -- Increases severance tax from 5 cents to 15 cents per ton. Amends Chapter 35, Private Acts of 1987. by \*Rinks.

**House Bill No. 1726** -- Landlord and Tenant -- Requires sheriff or constable under certain penalties to post written notice as to time of removal of tenant's possessions to whom writ of possession has been issued. Amends TCA, Title 29, Ch. 18, Pt. 1. by \*Halteman Harwell.

**House Bill No. 1727** -- Economic and Community Development -- Deletes requirement that energy division must prepare annual report of activities, including information on conservation, energy management, renewable industry investments and recruitments and energy savings goals. Amends TCA 4-3-708. by \*Bragg.

**House Bill No. 1728** -- Highways, Roads and Bridges -- Establishes system of emergency call boxes along interstate highways in Tennessee, such system to be administered by department of transportation. Amends TCA, Title 54, Ch. 5. by \*Bragg.

**\*House Bill No. 1729** -- Motor Vehicles -- Enacts "Tennessee Exclusive Safe Drivers' Reward System Act". Amends TCA, Titles 55, 56. by \*Dixon.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1597** -- Election Laws -- State and Local Government Committee.

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**\*House Bill No. 1620 -- Real Property -- State and Local Government Committee.**

**House Bill No. 1627 -- Highway Signs -- Transportation Committee.**

**\*House Bill No. 1640 -- Highway Signs -- Transportation Committee.**

**\*House Bill No. 1644 -- Education -- Education Committee.**

**\*House Bill No. 1660 -- Pensions and Retirement Benefits -- Finance, Ways and Means Committee.**

**\*House Bill No. 1686 -- AIDS -- Judiciary Committee.**

**\*House Bill No. 1687 -- Sexual Offenses -- Judiciary Committee.**

**House Bill No. 1688 -- District Attorneys -- Judiciary Committee.**

**\*House Bill No. 1689 -- Hospitals and Health Care Facilities -- Health and Human Resources Committee.**

**\*House Bill No. 1690 -- Mental Health and Mental Retardation, Dept. of -- Health and Human Resources Committee.**

**\*House Bill No. 1691 -- General Assembly -- Health and Human Resources Committee.**

**\*House Bill No. 1692 -- Environmental Preservation -- Conservation and Environment Committee.**

**\*House Bill No. 1693 -- Taxes, Privilege -- Finance, Ways and Means Committee.**

**\*House Bill No. 1694 -- Solid Waste Disposal -- State and Local Government Committee.**

**\*House Bill No. 1695 -- Insurance, Health, Accident -- Commerce Committee.**

**\*House Bill No. 1696 -- Insurance, Health, Accident -- Commerce Committee.**

**\*House Bill No. 1697 -- General Assembly -- State and Local Government Committee.**

**\*House Bill No. 1698 -- Taxes, Sales -- Finance, Ways and Means Committee.**

**House Bill No. 1699 -- Lobbying, Lobbyists -- State and Local Government Committee.**

**House Bill No. 1700 -- Lobbying, Lobbyists -- State and Local Government Committee.**

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**\*House Bill No. 1701 -- Tort Liability -- Judiciary Committee.**

**House Bill No. 1702 -- Greenbrier -- Held on Clerk's desk pending approval by local delegation.**

**\*House Bill No. 1703 -- Salaries and Benefits -- State and Local Government Committee.**

**\*House Bill No. 1704 -- Civil Procedure -- Judiciary Committee.**

**\*House Bill No. 1705 -- County Officers -- State and Local Government Committee.**

**\*House Bill No. 1706 -- Children -- Judiciary Committee.**

**\*House Bill No. 1707 -- Bail, Bail Bonds -- State and Local Government Committee.**

**House Bill No. 1708 -- Statutes -- Judiciary Committee.**

**\*House Bill No. 1709 -- Pardons and Paroles -- State and Local Government Committee.**

**CONSENT CALENDAR**

**House Joint Resolution No. 0357 -- Memorials, Academic Achievement -- Red Bank High School, 1992-93 Blue Ribbon School.**

**House Joint Resolution No. 0360 -- Memorials, Public Service -- Barbara Ely, Sevierville "Citizen of the Year".**

**House Joint Resolution No. 0361 -- Memorials, Professional Achievement -- Tom Woods, Zeno Wall Tourism Award.**

**House Joint Resolution No. 0362 -- Memorials, Recognition and Thanks -- "Lloyd L. Thornton Stadium," Maryville College.**

Pursuant to Rule No. 50, Rep. Turner (Hamilton) moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson,

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Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**MESSAGE FROM THE SENATE  
January 12, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 265; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**RULES SUSPENDED**

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 265 out of order, which motion prevailed.

**\*Senate Joint Resolution No. 0265 -- General Assembly, Adjournment, Recess -- Provides for legislative recess for Martin Luther King Holiday. by \*Crutchfield.**

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 132: Rep(s). Buck as prime sponsor(s).**

**House Bill No. 1368: Rep(s). Hassell as prime sponsor(s).**

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**MESSAGE FROM THE SENATE**

**January 12, 1994**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 358 and 359; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**MESSAGE FROM THE SENATE**

**January 12, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 259; for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**SIGNED**

**January 12, 1994**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 259.

**ENGROSSED BILLS**

**January 12, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 357, 360, 361 and 362.

**BETTY KAY FRANCIS, Chief Engrossing Clerk.**

**ENROLLED BILLS**

**January 12, 1994**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 358 and 359.

**BETTY KAY FRANCIS, Chief Engrossing Clerk.**

**SIGNED**

**January 12, 1994**

The Speaker signed the following: House Joint Resolution(s) No(s). 358 and 359.

**BETTY KAY FRANCIS, Chief Engrossing Clerk.**

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

Representative Purcell moved that, pursuant to House Joint Resolution No. 359, the House recess until 1:30 p.m. to meet with the Senate in Joint Convention for the purpose of hearing the State-of-State Address of the Governor, and further moved that at the conclusion of the Joint Convention, the House recess until 9:00 a.m., Thursday, January 13, 1994, which motion prevailed.